

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SINGULARDTV, GMBH,

Plaintiff,

v.

JOHN DOE,

Defendant.

Case No. 1:21-cv-06000 (VEC)

**DECLARATION OF JERALD TENENBAUM IN SUPPORT OF OPPOSITION TO
THIRD PARTY KOBRE & KIM'S MOTION TO QUASH RULE 45 SUBPOENA**

I, JERALD TENENBAUM, Esq., pursuant to 28 U.S.C. § 1746 and Local Rule 6.1(d), hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am an attorney duly admitted to practice law in the State of New York. I am a member of the bar of the State of New York and am currently a partner and attorney with Morrison Tenenbaum, PLLC, located at 87 Walker Street, New York, New York 10013. I am counsel to Plaintiff SingularDTV, GmbH (“SingularDTV”).
2. I submit this Declaration in support of Plaintiff’s Opposition to non-party Kobre & Kim’s Motion to Quash Rule 45 Subpoena.
3. The statements in this Declaration are true to the best of my knowledge and belief.
4. Plaintiff commenced this action with the filing of its Complaint on July 13, 2021.
5. Defendant John Doe is alleged to have unlawfully hacked a computer system on Plaintiff’s network and fraudulently obtained SNGLS token cryptocurrencies (the

"Tokens") as a result of the hack and fraudulent misrepresentation. (See generally Compl.)

6. The information sought from Kobre & Kim relates to a hacking incident that occurred in early May, 2021, whereby the US General Counsel for Plaintiff, SingularDTV GmbH, a Swiss entity operating in the United, was hoodwinked by a hacker or group of hackers (the "John Doe") into authorizing a payment of approximately \$2,000,000 in cryptocurrency.
7. Attached as Exhibit 1 is a true and correct copy of the Subpoena making 14 specific requests for documents and information (the "Subpoena").
8. Pursuant to the Court's May 9, 2022 Order (Dkt. No. 48) granting Plaintiff's Leave to File Third-party Subpoenas Pursuant to Federal Rule of Civil Procedure 45, Plaintiff served subpoenas on third parties, Kobre & Kim, Patrik Allenspach and Kevin Madura on behalf of AlixPartners LLP.¹
9. Each Subpoena requests production of specific communications and documentation related to the hacking incident described in the Complaint.
10. On May 31, 2022, Kobre & Kim submitted Responses and Objections to the Subpoena. As of the date of this Opposition, Kobre & Kim has refused to turn over any of the documents or information demanded in the Subpoena.
11. In his May 31, 2022 letter Mr. Michael Mraz, acting Swiss counsel for SingularDTV, asserted various objections and responses on behalf of Mr. Patrik Allenspach and purportedly on behalf of SingularDTV GmbH. As of the date of this Opposition, Mr. Allenspach has refused to provide any of the documents or information demanded in the

¹ The AlixPartners subpoena was re-issued and served on May 31, 2022 (Dkt. 54).

May 16 Subpoena served upon him at the corporate address of SingularDTV in Switzerland.

12. On June 21, 2022, AlixPartners submitted Responses and Objections to the Subpoena. As of the date of this Opposition, AlixPartners has refused to turn over any of the documents or information demanded in the Subpoena.
13. The information sought by this subpoena is critical to the issue of identifying Defendant and locating the SingularDTV assets misappropriated by the Defendant.
14. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: June 30, 2022
New York, New York



Jerald M. Tenenbaum, Esq.